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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/777,480	02/12/2004	Dylan S. Van Atta	005127.87540

CONFIRMATION NO. 2296

22910  
 BANNER & WITCOFF, LTD.  
 28 STATE STREET  
 28th FLOOR  
 BOSTON, MA 02109-9601

## FORMALITIES LETTER



\*CC000000013491089\*

Date Mailed: 08/10/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/29/2004 SSITHIB1 00000064 190733 10777480

FILED UNDER 37 CFR 1.53(b)

01 FC:1001	790.00 DA
02 FC:1201	88.00 DA
03 FC:1202	630.00 DA
04 FC:1051	130.00 DA

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$716 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1616** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$716**
  - **\$86** for **1** independent claims over 3.
  - **\$630** for **35** total claims over 20.

Replies should be mailed to:   Mail Stop Missing Parts  
  Commissioner for Patents  
  P.O. Box 1450  
  Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT  
ATTORNEY DOCKET NO. 005127.87540

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 2296
Dylan S. Van Atta et al.	)	
	)	Examiner: TBA
Serial No.: 10/777,480	)	
	)	Art Unit: 2873
Filed: February 12, 2004	)	
	)	
Title: EYEWEAR WITH REPLACEABLE LENS	)	
	)	

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P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Responsive to the Notice to File Missing Parts of Application under 37 CFR 1.53(b), mailed October 7, 2004. Applicant as a large entity submits herewith the following:

1. Copy of Notice to File Missing Parts of Nonprovisional Application;
2. FY2004 Fee Transmittal which includes payment of the filing fees of \$790.00, excess claim fee charge of \$718.00, fee for extension for reply within two months of \$420.00 and the surcharge of \$140.00 for late filing of the basic filing fee and declaration;
3. An Inventor Declaration in compliance with 37 CFR 1.63; and
4. Return receipt postcard.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply the instant filing fees, in the amount of **\$2,068.00**, and any other charges or any credits, to Deposit Account No. 19-0733. A duplicate of this paper is enclosed.

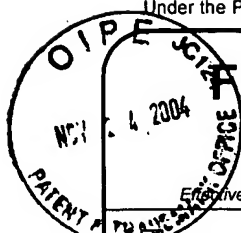
Respectfully submitted,

Dated: November 24, 2004

By Gregory J. Cohan  
Gregory J. Cohan, Reg. No. 40,959  
BANNER & WITCOFF, LTD.  
28 State Street, 28th Floor  
Boston, MA 02109  
(617) 720-9600

11/29/2004 SSITHIB1 00000064 190733 10777480  
05 FC:1252 430.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# **FEE TRANSMITTAL** **for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 2068

## Complete if Known

Application Number 10/777,480

Filing Date February 12, 2004

First Named Inventor Dylan S. Van Atta et al

Examiner Name TBA

Art Unit 3728

Attorney Docket No. 005127.87540

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None Order☒ Deposit Account:

Deposit Account Number

19-0733

Deposit Account Name

Banner &amp; Witcoff, LTD.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	790
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 790)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
55	-20 ** = 35	X 18 = 630	
Independent Claims	4	-3 ** = 1	X 88 = 88
Multiple Dependent		X	= 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 718)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	430
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 560)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type) Gregory J. Cohan, Esq.

Registration No. (Attorney/Agent) 40,959

Telephone 617-720-9600

Signature

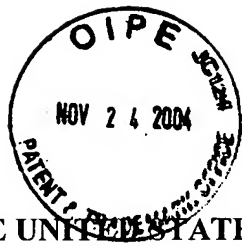
Date

November 24, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PATENT  
ATTORNEY DOCKET NO. 005127.87540

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 2296
Dylan S. Van Atta et al	)	
	)	Examiner: TBA
Serial No.: 10/777,480	)	
	)	Art Unit: 2873
Filed: February 12, 2004	)	
	)	
Title: EYEWEAR WITH REPLACABLE LENS	)	
	)	

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

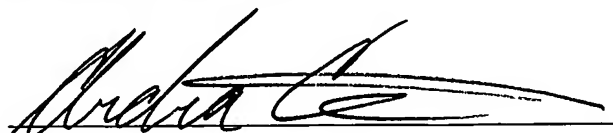
**CERTIFICATE OF EXPRESS MAIL**

"Express Mail" Label No. **EV 515 644 235 US**  
Date of Deposit: **November 24, 2004**

I hereby state that the following:

1. Response to Notice to File Missing Parts of Application;
2. Copy of Notice to File Missing Parts of Nonprovisional Application;
3. FY2005 Fee Transmittal (in duplicate);
4. Joint Declaration and Power of Attorney (executed original); and
5. Return Receipt Postcard.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Andrea Crowell  
BANNER & WITCOFF LTD  
28 State Street, 28th Floor  
Boston, MA 02109  
(617) 720-9600